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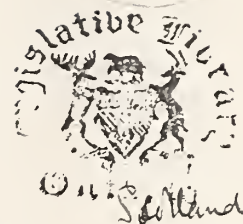




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No 6.

## APPENDIX.

HISTORY OF THE "MAIDEN" OR SCOTTISH BEHEADING MACHINE,  
WITH NOTICES OF THE CRIMINALS WHO SUFFERED BY IT. BY  
MR W. T. M'CULLOCH, KEEPER OF THE MUSEUM. (PLATES LXV. AND LXVI.)

[This communication, which should have appeared in the present volume at page 287, was postponed, with a desire to gratify the writer, who wished to enlarge it with additional notices regarding the mode of executing malefactors in other countries. Amongst his papers there were found various unconnected notes or references on this subject, but it was considered advisable to give the communication in this place very much in its original form, as it was read to the Society on the 10th of June 1867. It may, however, be proper to preface it with a brief notice of the author.

WILLIAM THOMSON M'CULLOCH, so well known to the members as Keeper of their Museum, was a native of Edinburgh, and born in the year 1815. His father, Mr James M'Culloch, was for many years teacher or house governor of the old Orphan Hospital, Edinburgh. While a youth, his son William was put as an apprentice to Messrs W. & D. Laing, Book-sellers (1829 to 1834). After various changes, at length, in the year 1846, he succeeded in obtaining a permanent situation when a vacancy occurred as keeper of the Edinburgh Subscription Library. He also was engaged as assistant secretary, and librarian to the School of Arts, under Dr Thomas Murray.

At this time, as the Society's apartments and Museum were in the same building with that Library (No. 24 George Street), he was thus enabled to give occasional service to the Society as clerk, with a small salary. He rendered himself indeed so useful, having always had a turn



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for mechanical contrivances, in arranging and preparing articles in the Museum for exhibition, and also skill in copying and making facsimiles, that it happened, when the new arrangements were completed for having the Museum transferred, as a National Collection, to the Royal Institution Buildings, his claims came under the attention of the Council, and, on the 12th May 1858, on their recommendation, he was appointed to the responsible situation of Keeper of the Museum. As this required on his part regular and undivided attendance, he resigned his charge of the Subscription Library. He still retained his connexion with the School of Arts as librarian and assistant secretary, which did not in any material way interfere with his duties connected with the Society.

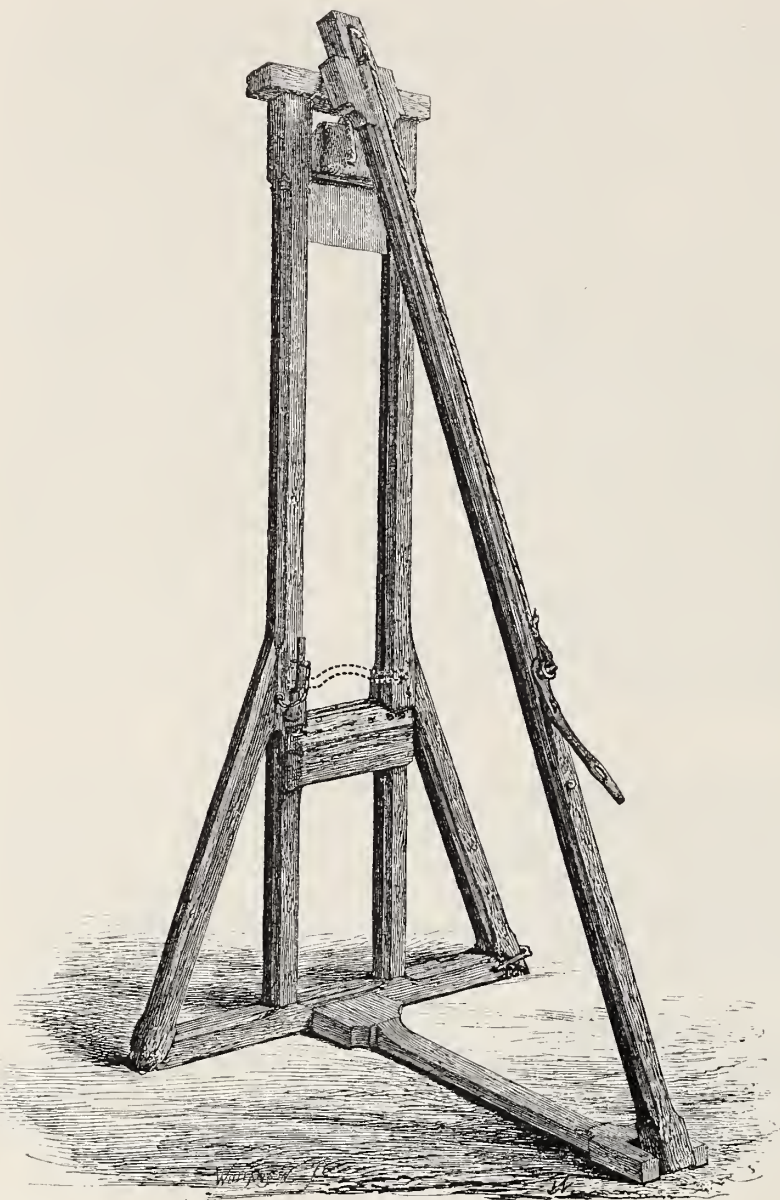
It is scarcely necessary to say, how much he was respected by the members and visitors for his intelligence and obliging disposition, no less than for his devotedness to antiquarian pursuits. A few years ago he gave two popular expositions of a series of views of public and other buildings of "Edinburgh as it was long ago." The views, which had been photographed from old drawings and engravings, were exhibited by the oxy-hydrogen light. These expositions were repeated on more than one occasion. It is but a becoming tribute to his memory to add, that the admirable manner in which the Museum has been rearranged, after the recent alterations on the building, was very much owing to his skill and exertions.

Mr M'Culloch died at Edinburgh on the 22d May 1869, aged 54. A minute of a Council Meeting held in consequence of his decease, states, as follows:—"25th May 1869. On the motion of the Secretary the Council desired to record the great regret with which they have heard of Mr M'Culloch's death, and of the high esteem in which they regard his long-continued services, and great interest in the prosperity of the Museum and of the Society."

As a further mark of the esteem in which Mr M'Culloch was held, it may be mentioned, that his Widow being left in a very helpless state, a subscription among the Members was immediately commenced, and a sum sufficient raised for the purchase of a joint annuity to her and to his sister, or the survivor.]

Edinburgh





THE "MAIDEN" OR SCOTTISH BEHEADING MACHINE (10 FEET IN HEIGHT).

*(Now in the Museum of the Antiquaries of Scotland.—The axe is represented drawn up ready for use.)*



## THE MAIDEN.

Of the many objects of special interest to the student of Scottish history preserved in the Museum of Antiquities at Edinburgh, one of the most interesting is the old beheading machine, better known as "The Maiden." It is an object that attracts the notice and awakens the sympathies of visitors from all climes and of every shade of colour. Mutes describe its action to each other with unmistakable significance; the blind handle it tenderly.

The machine was made in 1564, and continued in use till 1710. In 1781, August 23, the Earl of Buchan, founder of the SOCIETY OF ANTIQUARIES OF SCOTLAND, reported to a meeting "that he had made application to the Lord Provost, Magistrates, and Council for such arms as are in the city repositories, and for "the Maiden," to be deposited for preservation in the Society's Museum." Although at that time the application was unsuccessful, on the 31st January 1797, the LORD PROVOST AND MAGISTRATES OF EDINBURGH presented

"THE MAIDEN, AN INSTRUMENT FOR BEHEADING CRIMINALS,"

as a donation to the Museum of the Society.

On the 8th March 1830 a communication was read before the Society by Mons. GABRIEL SURENNE, one of the Fellows, entitled "An inquiry into the origin, use, and disuse of the instrument called 'THE MAIDEN;' and into the laws and customs in virtue of which criminals were decolated by the said instrument." It was not printed at the time, and, so far as I know, his MS. is not preserved.

Many conjectures, but not satisfactory, have been offered respecting the origin of this designation. One author imagined that it was so called because it remained long unused after it was made; another suggests that it was so named in allusion to its "unfleshed and maiden axe." But neither of these suggestions seems to solve the difficulty, because assuredly the machine was not allowed to rust after it was made.

In a notice of the machine in the Town's Accounts shortly after it

was made, it is called "The Madin," and this name it retained so long as it continued in use, the orthography ranging between Madin, Maydin, and Maiden.

The sword was the implement used for decapitation in Edinburgh till the middle of the sixteenth century, as is evident from the following extracts from the City records:—

1552.—*Item* for the sharpening of the commone Sweird ilk tyme it was usit, v. s. . . . . Summa—00 10 0

1563.—Feb. "The Baillies and Counsall ordaines Mr Robert Glen the Treasurer to coften fra William Makeartnay his two handed sword to be used for ane heiding Sword, because the auld Sword is failzet, and to gif him five pounds thairfor, and the samin sal be allowit in his comptis."

In the same year two men were condemned to be beheaded "with ane sword."

Beheading by a machine is not an invention of Scottish origin. Machines were in use on the Continent years before one was introduced into Edinburgh, which appears to have been the only one in Scotland. In a series of woodcuts showing the martyrdom of the Apostles, by Lucas Cranach, an eminent German artist, published at Wittenberg in the year 1539; and in the well-known collection of engravings by Bonasoni, published, with verses by Achilles Bocchius at Bononia (Bologna), in the year 1555; and also in a series of woodcuts, engraved by Henry Aldegraver, of Westphalia, having the date 1553, there are given representations of executions by machines. It can scarcely be supposed that the artists would have figured such machines unless they had actually seen them, or known that they were in use. Plate LXVI. is a copy of one of these early representations of Cranach's.

From an early period the manor of Wakefield in Yorkshire—of which the principal town was Halifax—had the privilege of beheading criminals guilty of the theft of goods beyond the value of thirteen pence half-penny, committed within the bounds of the manor, and there the punishment of decapitation was inflicted by a machine. [In the popular English story, "The Pinder of Wakefield, being the merry History of Gegeor a Green," London 1632, in mentioning the town of Halifax, it is





FACSIMILE OF WOODCUT BY LUCAS CRANACH, 1539.



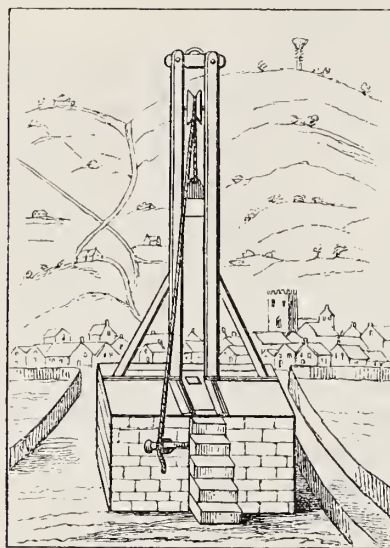


related: "A Fryer there lived in those dayes that was very ingenious, he invented an Engin, which by the pulling out of a pin, would fall and so cut off the necke, this device kept them in awe a great while till at the last this Fryer had committed a notorious fact, and for the same was the first that hanseled the new Engin his owne invention." The register of executions at Halifax gives the names of those who suffered by the machine from the year 1541 till 1650, about which time the privilege ceased to be acted upon.

Hume of Godscroft states in his History of the Houses of Douglas and Angus, published in 1644, "that James Douglas, Earl of Morton, laid his neck on the block, till the axe (*of the Maiden, which he himself had caused make after the patterne which he had seen in Halifax in Yorkshire*), falling upon his kneek, put an end to his life, &c. (p. 356). &c." This is clearly a popular fallacy, since it will be seen that it was made by the command of the Provost and Magistrates in 1564. The Regent, James Earl of Morton, was executed on the 2d day of June 1581. According to Hume, the Earl had been carried prisoner to England in 1547, where he remained for some years; also that towards the end of the year 1560, along with the Earl of Glencairn and Maitland of Lethington, he went on a mission to the court of Queen Elizabeth; and again, dreading the wrath of Queen Mary for the part he had taken in the murder of Riccio in 1566, he retired to England, lurking about Newcastle and Alnwick; and in the following year he had returned to Scotland, and lived in retirement. It thus appears that the Earl was three times in England between the first and last of these dates. It is evident he could not have obtained the "patterne" during his first visit; and before the date of his last visit the machine was actually made and in use in Edinburgh, so that, if he obtained it at all, it must have been during his visit in 1560. It is, however, singular, if Morton had any such "patterne," that he did not produce it in 1563 when "the auld heiding sword had failzet," as that was the time when it would have been of service.

Fortunately the Halifax machine has been represented as it existed in 1650, and a comparison of the prints, with the "Maiden" in the Museum, will demonstrate that it could not have been the "patterne" for the Scottish machine.

The Halifax instrument, as will be seen from the accompanying wood-cut, was erected on a raised platform of squared stones, the top of which was reached by five steps on one side. The machine consisted of two upright posts, fifteen feet in height, joined at the top and bottom by transverse beams.<sup>1</sup> Within these was a square block of wood, which



The Halifax Beheading Machine.

Harrison, in his *Description of England*, vol. i. page 185, London 1587,<sup>2</sup> says it was of the length of four feet and a half, which rose up and down,

<sup>1</sup> Rev. John Watson's *History of Halifax*, p. 223, Lond. 1775. 4to.

<sup>2</sup> [First printed in Holinshed's *Chronicle*, vol. i. p. 107, Lond. 1577, folio. In the *History of Ireland*, vol. i. p. 49, there is a woodcut intended to represent the beheading of an Irish rebel, Muriad Ballagh, in the year 1307. The criminal is laid within such a gibbet as that at Halifax, only the axe is suspended from the top by a cord, which the executioner is cutting with a knife. In vol. ii. p. 564 of that edition, the same woodcut is repeated for the execution of a man who, in 1240, had attempted to murder King Henry III.]



between the uprights, by means of grooves cut for that purpose. To the lower end of this sliding block an iron axe was fastened, which was drawn up to the top by means of a cord and pulley; and at the end of the cord was a pin, which being fixed either to the side of the scaffold or some other part below, kept it suspended, till either by pulling out the pin or cutting the cord it was suffered to fall, and the criminal's head was instantly separated from his body. The criminal lay at full length on the top of the platform, his neck being placed on the upper edge of the lower transverse beam. The machine was a fixture.

The Scottish machine is made of oak, and consists of a sole beam five feet in length, into which are fixed two upright posts, ten feet in height, four inches broad, twelve inches apart from each other, and three and a half inches in thickness, with bevelled corners. These posts are kept steady by a brace on each side, which springs from the ends of the sole, and is fastened to the uprights four feet from the bottom. The tops of the posts are fixed into a cross rail, two feet in length. The block is a transverse bar, three and a quarter feet from the bottom, eight inches in breadth, and four and a half in thickness. A hollow on the upper edge of this bar is filled with lead. The machine is kept in a vertical position by means of a brace and sole. The sole extends five feet backwards. The brace is hinged to the upper cross rail, beyond which it projects, and into this projected portion a pulley, three inches in diameter, is fixed. On the back of the brace is fixed an iron peg, one and a half inch in length and half an inch in diameter, and a bent iron lever with arms, measuring respectively fifteen and four inches in length. There is an eye at the end of the short arm, through which the peg passes when the long arm is raised. The axe consists of a plate of iron faced with steel. It measures thirteen inches in length and ten and a half in breadth. On the upper edge of the plate is fixed a mass of lead seventy-five lbs. in weight. This blade works in grooves, cut on the inner edges of the uprights, which are lined with copper. When an execution was about to take place, one end of a rope was fastened to the axe by passing through a hole in the lead, and the other end, which had an eye, was passed through the pulley and drawn till it reached the peg on which the eye was placed, the short lever being under it. When the executioner received the signal he pressed down the long arm of the lever, and so



released the weighted blade, which at once descended and cut off the head of the criminal.

From a manuscript description of the machine written in 1837, found among the papers belonging to the Society, it would appear that on one of the uprights was a portion of an adjustment for fixing a moveable iron bar, which was laid on the necks of the criminals to prevent them drawing back the head when the blade was about to descend. There still remains a portion of an iron chain, which was also a portion of the adjustment. In a notice of an execution which took place in 1606, it is stated that the head was fixed to the machine before the descent of the axe. The "bar," shown by dotted lines, is seen in position on plate.

If the Earl of Morton supplied the model for the Scottish machine, before doing so he must have made very great improvements on the pattern he obtained at Halifax. These consisted of the third transverse beam, with its method of saving the edge of the axe; the back brace and bottom sill; also the ingenious, though simple, contrivance for throwing off the rope—all of which were wanting in the pattern. The Halifax machine, therefore, could not, by any means, be said to be the model for the Scottish instrument, which so greatly differed from all others, that whoever furnished the model would be well entitled to claim it as a new invention.

It is no less remarkable that none of the contemporary authors mention the introduction of the machine by Morton, although they minutely relate all the details of his execution, and must have known whether or not he had anything to do with this novel mode of decapitation. Beyond the statement of Hume, who could have had no personal knowledge of the matter, as, if born, he would have been quite a youth at the time of Morton's death (which took place nearly sixteen years after the machine was made and in use), there is no evidence to show that Morton had anything to do with the introduction of the machine into Edinburgh.<sup>1</sup>

<sup>1</sup> [The above remarks might for the most part have been spared had the compiler been aware that, in all likelihood, Hume of Godscroft was personally acquainted with the Earl of Morton, or had he attended to the obvious import of Hume's words. Dr M'Crie (*Life of Melville*) concludes on good authority, that Godscroft was born between 1550 and 1560. In 1584, when a portion of his History seems to have been written, he was one of the Protestant party who sought shelter in England

A new version of Hume's story, but with additions, appears in the "Description of Tweeddale," by Dr Alexander Pennecuik, published in 1715. He states, that Morton was "accused, condemned, and execute by the Maiden, at the Cross of Edinburgh, as art and part of the murder of our King Henry, Earl of Darnly, father to King James the 6th, which fatal instrument, at least the patern thereof, the cruel Regent had brought from *Abroad* to behead the laird of Pennecuik of that ilk, who notwithstanding died in his bed, and the unfortunate Earl was the first himself that handselled that merciless *Maiden*, who proved, so soon after, his own executioner" (p. 17). Kelly, in his collection of Scottish Proverbs, in 1721, gives, as an example, "He that *invented* the Maiden, first hanselled it." Dr Jamieson, in his Scottish Dictionary, under the word *Maiden*, quotes both Pennecuik and Kelly.

Morton was sentenced to be hanged, and it was only by the caprice of the King that the sentence in that form was not carried into effect: That King he had served too well for himself; as he said on the scaffold, "gif I had servit my God as trewlie as I did my King, I had nocht come heir."

Hume and Pennecuik's statements have been repeated by many authors since Dr Jamieson published his Dictionary. One of the most recent notices of Hume's version appears in the "Book of Days," published in 1863, vol. i. page 728, where the story is repeated that "Morton is believed to have been the person who introduced the Maiden into Scotland, and he is thought to have taken the idea from a similar instrument which long graced a mount near Halifax, in Yorkshire," &c.

during Arran's supremacy. To suppose that Morton, under any circumstances, would have brought with him "a pattern" or model of the Maiden is too absurd. No doubt, it is strange that his name should have been connected by tradition with the instrument, unless there had been some reason. The City Accountant reminded the writer of this note of the circumstance that in the year in which the Maiden was constructed, Archibald Douglas of Kilspindie, Morton's kinsman, was Provost of Edinburgh; and this may suggest a solution of the difficulty if we conjecture that Lord Morton had merely described the instrument which Hume says he had "seen in Halifax in Yorkshire." It is, however, as likely he may have seen a similar instrument elsewhere during his residence abroad. But, at all events, Godscroft has not one word either of Morton having any such "pattern" in his own possession, or of his becoming its first victim.]

As this Maiden fulfilled her mission on criminals from all parts of the kingdom, it was natural to suppose that some indication of its origin would have appeared in the records of the Privy Council. These records are silent on the subject. It is, however, distinctly stated that the machine was made at the "command of the Provost, baillies, and counsale;" and although no mention is made of this "command" in the Minutes of the Town Council, we find in the Treasurer's Accounts the actual cost of making the machine to be as follows:—

*"From the Discharge of the compte of Mr Robert Glen, Thesaurer of the Burgh of Edinburgh begynnand at Mychaelmas in the zeir of God 1564, and endand at Mychaelmas in the zeir of God 1565."*

*"The Compte of the Heding Aix maid the tyme of the comptaris office, as efter followis, at command of the Provest, Baillies, & Counsale."*

Item for ane greit geist containing of in lenth xxiiii futis price thairof,	xxx s.
Item for upbringing of this jeist with sax wane shot,	v s.
Item for outlaying of this trie out of ane cloiss with the sax wane shot,	ix d.
Item for twa stane twa pund wecht and ane quarter pund wecht of Danskin yrne price of the stane xiiij s, summa,	xxx s.
Item four pundis steill price of the pund ij s, summa,	viii s.
Item for vj stane and ane half of leid price of the stane xii s, summa,	iii li. xviii s.
Item for thre faddum of tow to the pillie,	xviii d.
Item for thre wane shot & ane half to the cleking of the samyn price of the pece, viii s.,	xxviii s.
Item to the man that maid the Aix be the space of sax dayis, ilk day v s.,	xxx s.
Item to the said man for fasoning of the samyn,	v li.
Item for ane pund of saip,	xvi d.
Item to Mongo Hunter for thre bandis of yrne,	viii s.
Item for sloittis, stappellis, & naills,	viiij s.

Items for j <sup>c</sup> . planchor naillis, . . . . .	iiij s.
Item for sawing of this jeist, . . . . .	iiij s.
Item for careing of the Aix to the smiddy & careing of the jeist frac the sawaris to Patrik Shangs buyth, . . . . .	xviii d
Item to Androw Gottersoun for onputting of twa stane & half of leid on the Aix & tempering of it and for his laubors, . . . . .	x s.
Item to George Tod wrycht vii dayis, ilk day iiij s., . . . . .	xxviii s.
Item to Adam Shang, aucht dayis waigis, ilk day iiij s., . . . . .	xxxii s.
Item to ane prenteis vj dayis waigis, ilk day xviii d., . . . . .	ix s.
Item to Patrik Shang wrycht for his hailil laubours & devysing of the tymmer wark, . . . . .	xl s.

That this machine continued in use is rendered abundantly manifest by the following extracts from the Town Treasurer's accounts, which have been made through the kind permission of Robert Adam, Esq., City Accountant, a Fellow of the Society, and by the friendly aid of his assistant, Mr John Murdoch. These extracts throw a flood of light on the history of the machine, which is acknowledged to be one of the most interesting objects now in the Museum of Antiquities at Edinburgh.

The first notice of an execution is on the 3d of April 1565, so that the machine must have been made between that date and the 29th September of the previous year, when the order was given for its construction, and consequently other executions may have taken place before the one just mentioned. Unfortunately the succeeding volume of Accounts is not known to exist. The next volume begins with the year 1583.<sup>1</sup> On the 9th of June the "Maidin" reappears, and continues to do so, as it required to be repaired, &c., until the year 1660, when a charge is made by Alexander Davidson for a new axe to "the Maiden," and he "is to mainteane it all the dayis of his life." This was probably a new steel facing for the blade. With this announcement the oracle ceases to speak, as about that date the accounts began to be kept on a different plan, the sums paid being alone entered in the cash-book, and as few of the accounts now exist, all trace of repairs done to the machine is lost.

<sup>1</sup> [This is not quite correct. The principal Accounts for 1562-63, 1567-81, 1640-41, 1648-49, and 1661-62, are wanting; but copies of the Accounts 1579-81 are extant.]



That it continued in use is seen from the charges for executions, which appear sometimes singly, and often in slump. For instance,—“1681, executing and heiding five men.” With such curt entries it is rather difficult to make out whether the “heiding” took place before the criminals were dead or after, as it was by no means unusual to put the heads of criminals over the Nether Bow, or as in the case of the Marquis of Montrose, on the pike on the gable of the Tolbooth.

It is well known that a similar machine used in France took its designation from a person named *Guillotin*, whose connection with it was that he suggested the use of a machine, as not only being more humane, but also as a more expeditious mode of despatching persons obnoxious to those in power during the reign of terror in that country.<sup>1</sup>

A machine similar to the Maiden was formerly in use in Italy. It differed considerably from the Scottish machine, and consisted of a heavy lower transverse beam, into which two upright posts were fixed. At the top was another transverse beam into which the upper end of the uprights was fixed. When an execution was about to take place, the axe was drawn up by a rope and tied to the cross beam. When the criminal gave the signal, the executioner cut the rope, and so set the knife at liberty. The machine was called the *Mannaia*, which means *the great knife*.

It obviously would be a hopeless task to attempt to form a full

<sup>1</sup> History of the Guillotine, by T. Crofton Croker, 1853, 12mo, in which the Scottish machine is described and figured, though somewhat incorrectly.

[*The Guillotine*.—In 1792, the Legislative Assembly, by an article of the Penal Code, ordered a machine of decapitation (*machine de mort*) to be made, under the direction of Dr Louis, “perpetual” Secretary of the Academy of Surgeons. It was constructed by Schmitt, a German mechanic, then at Paris; and at first it bore the name of Louison or Luisette. It afterwards, in some way or other, was named after Dr Joseph Ignace Guillotin, a French physician, who was imprisoned during the reign of terror; but he escaped the horrors of the French Revolution, and died at Paris in 1814, aged 76.

There was an important difference between the French invention and the Maiden. This, as pointed out by Mr Bernhard Smith (in “Notes and Queries,” April 30, 1870, p. 436), “consists in the form of the axe or knife, which has a *slanting* edge instead of a *horizontal* one, thereby giving a drawing instead of a chopping cut, the former by far the more effectual.”]



and correct list of those who have suffered by this machine. The records of the Justiciary Court are by no means complete; very many of the names would not be worth recording. Even the recorded sentence is not always to be accepted as conclusive, as remissions, escapes, &c., were by no means uncommon, though such events are not entered on the records of the Court. The Town Treasurer's accounts are of great importance although the series is not quite entire, and after a certain date the information afforded on the subject is rather meagre. The works of contemporary authors, who relate events with trustworthy truthfulness, have not been overlooked. The collection of Trials in manuscript, in the possession of the Society of Antiquaries, have been of considerable service; and the collection of "Criminal Trials," published by the late Mr Robert Pitcairn, have contributed materially in making up the list of victims who have suffered by the "*merciless Maiden*." The list must by no means be accepted as complete, but an examination will show that persons of all ages, and of both sexes—high and low, rich and poor—alike suffered by the machine. There does not seem to have been any principle on which criminals were condemned to decapitation, the mode of carrying out the sentence of death having been apparently left to the discretion of the judges.

The machine continued in use till 1710, during which year Robert Balfour, Master of Burleigh, for the murder of Henry Stenhouse, school-master of Inverkeithing, was condemned to be beheaded; and as the Maiden was the instrument used for inflicting that punishment, it is fair to conclude that it would have been used on that occasion; but it happened that the criminal contrived to make his escape. After that date the decapitation of criminals appears to have ceased in Scotland, and the machine was stowed away out of sight. A notice of it appeared in the "London Magazine" for 1747, the existence of the Maiden having probably been brought to mind by the decapitation in London, by an axe and block, of prisoners taken in arms in 1745. Pennant, in his "Tour in Scotland," published in 1776, states that he saw the machine in a room under the Parliament House in Edinburgh.

EXTRACTS AND MEMORANDA FROM THE CITY TREASURER'S ACCOUNTS  
REFERRING TO THE MAIDEN WHEN IN USE.

[The following extracts might be greatly enlarged by a careful examination of the existing accounts. Those given are sufficient to illustrate this communication, and only such of the extracts as were obviously inaccurately copied, have been corrected by comparing them with the original Registers. It would have required much time and labour to have insured minute accuracy in memoranda, which in themselves are of no great moment.]

*From the Discharge of "the Accompt of Jhoun Watsoun Thesaurer to the Toun of Edinburgh" from Martinmas 1565 to Martinmas 1566.*

1565. Item the thrid day of Apryle to the pynouris for the bering of  
dailles and pouncheoins fra the Blackfreirs to the Croce with  
THE GIBBETT AND MADIN<sup>1</sup> to mak ane scaffald, and awayiting  
thairon, the day quhen Thome Scot was justefeitt, vij s.<sup>1</sup>  
Item to ane wrycht for making of the Scaffald and doun-  
taking thairof agane, . . . . . viij s.  
Item for nailes thairto, . . . . . xxxij d.  
Item for tymmar to hald the gibett fast, . . . . . iij s.  
Item to Andro Gottersoun, smyth, for grinding of the Madin, v s.  
1582. June 9. The Lokman<sup>2</sup> charges for scharping the Madin, vj s. viij d.  
The lokman has iij d. to drink besides his charge for towis  
to skurge a man.  
For hanging Fraser, Turnbull(?), and Blak, . . . . . xv s. vj d.  
For bringing the ladder to thame, . . . . . viij d.  
The lokman has to drink, . . . . . vj d.  
At the same time for towis and wands to skurge twa theiffis, viij d.  
1583. June 9. For ule and saip to cresche the Madin with, vj s. viij d.  
For scharpening the Madin, . . . . . vj s. viij d.

<sup>1</sup> This is the first mention of the Maiden in the Town's Accounts after the items of its original cost, printed at page 548. According to the Diurnal of Occurrents (Bannatyne Club volume) p. 98, Thomas Scott of Cambusmichell was "hangit, quarterit, and drawin . . . upon ane skaffall at the Mercat Croce of Edinburgh."

<sup>2</sup> The Lokman, the name given to the public executioner.



1583. June 9. Three faddomis of towis, . . . . . i s. ij d.  
 June 22. Gevin to the lokman for the keiping of the snap  
 of the Madin, and for ane barrel to put it in, . . . . . vj s. viij d.  
 Item for creisching and ereisch to it, . . . . . vj s. viij d.  
 Item for twa poks of bran to put about it, . . . . . lj s. viij d.
1584. The Lokman's livery is thus mentioned—Doublet, shoes,  
 bonnet, coat of white and gray eloath, hois, and a sark.  
 —The Lokman viij li. viij s. vj d. (£8, 8s. 6d.) to get him  
 ane garmentt and ane staff.
1591. (The Maidin lent to Leith).  
 William Gibsone wha was tane and execut in Leith; for  
 careing of the Madin ther and hame agin, . . . . . xxx s.  
 The Madin mendit, for wryghtwark & smythwark, . . . . . xv s.
1600. Nov. 19. Item, payit for making the skaffauld to umquhile  
 the Earle of Gowrie & his Brother, with scharpeing of  
 the axe, . . . . . xxij s. iiij d.  
 Item, payit to aucht workmen for helping to mak the  
 skaffauld, with carrying of thame thare and taking thame  
 to the burials, . . . . . xxxij s. viij d.  
 Item for ane barrell to salt the quarteris with salt  
 thareto, . . . . . xij s. viij d.  
 Item payit the maissoun for making the hoillis to the  
 preikis (or sharp-pointed irons) upon the heid of the  
 Tolbuithe, &c., . . . . . iiij li. ix s. iiij d.  
 Item payit to the lokman for the executing and putting up  
 of the heidis and quarteris, and towis thairto, . . . . . xxj s. iiij d.
1604. Dec. 1. The Madyn has two new posts and six pound weight  
 of lead.
1606. At the execution of John Thomson, for four fathoms towis,  
 for saip to it; and for mending of the Madin, . . . . . vj s. viij d.
1608. (The Lokman himself was at this time hanged; and there  
 are items for ryding to Dalkeith for ane hangman; and  
 to the hangman for his pains. Also saip to her; the  
 first time the Maiden is called "her.")
1614. A new sneck to the Maiden.
1615. Item the vi. Feb. to the warkmen for making the scaffald to  
 the Erle of Orkney, . . . . . iiij li. x s.

1615. Item for ane staine and half pund lead to mend the  
 Maidin, . . . . . xxxv s. vjd.  
 Item to William Melrose wrycht for his paines, . . . . . xxxvj s. vjd.  
 Item to the warkmen for wayting on the skaffald, . . . . . x li.  
 Three items "for secharping the Maidin to byte."
1618. Sept. 18. Item for ten puncheons to be a seaffold for Ros  
 the Minister at xv sh. the peice is, . . . . . vii lb. x sh.  
 Item for gret towis and small, . . . . . xv sh.  
 Item for saip, . . . . . ij s. viii d.  
 Item to the warkmen in drink, . . . . . iiij sh.  
 Item to David Broune for making the seaffald, . . . . . iiij lb.  
 Item to ane ordinar warkman for ane double seaffald  
 carying, . . . . . liii s. iiij d.  
 Item for carying the corps, . . . . . xx sh.  
 Item for carying the axe, . . . . . vi sh. viii d.  
 Item to lokman for putting the heid and hand on the port, . . . . . xx sh.  
 Item for prieks to put the heid and hand on, . . . . . xii sh.
1619. Item to David Broune at the execution of twa Hielandmen  
 with the Maidin, at the hill, . . . . . x li.  
 Item for x fadome of towis to the lokman, . . . . . x li.  
 Item for vi fadome of small towis, . . . . . iiij s.  
 Item for making of the grave, . . . . . xxxvj s.  
 Item for xxi ells of hardin to be thair wyndin shett,  
 vii s. vi d. the ell, . . . . . vij li. xvij s. vjd.  
 Item to the wemen that wind thame, . . . . . xij s.
1633. Item to wrychts for setting of the Maidin twyce, to the  
 woman that was heidit at the Castlehill, . . . . . ij li.  
 Item to the lokman for his paines taekin upon the woman  
 that was heidit, . . . . . iiij li.
1647. For the Maidin ane ell of buckrame to kep [eatch] the heid.
1649. James Wilson—payit to the workmen for holding of him  
 till he was execut, and for keiping his heid. Ane ell of  
 buckrame to keip the heid.
1660. To Alexander Davidsonsone for ane new axe to the Maidin,  
 and he is to mainteane it all the dayis of his lyffe.
1680. A charge for heiding four men and five men, without any names.

LIST OF THE CHIEF PERSONS BEHEADED BY THE "HEIDING AXE" OR  
"MADIN," FROM THE YEAR 1564-5 TO 1710 (IN ADDITION TO THOSE  
MENTIONED IN THE PRECEDING EXTRACTS).

1565. April 3.—Thomas Scott. See p. 552.
- 1565-6. Jan. 18.—Robert Aitkyne—murder of John Robertsons in  
Aberdeen. Beheaded at the Market Cross of Edinburgh. P.
1567. Sept. 4.—James Adamson—piracy. Cross. Birrel.  
Nov. 5. Peter Hamilton—incest and murder. Cross. Birrel.
1569. Nov. 18.—John Leyis—treason, theft, spulzie. Castlehill. P.
1570. Dec. 1.—Jok Allane, in Stow of Waddell—murder of George Kay,  
smith in Stow. P.
1571. June 14.—John Hamilton, younger of Cocknoch—sieging Glas-  
gow Castle. Cross. Birrel.
1576. Nov. 13.—George Bruntfield, *alias* "Cutluge"—slaughter of  
George Inglis. P.
1580. Dec. 15.—Walter Lawder—murder of James Lawder, the Laird of  
Bass, his master. P.
- 1580-1. Jan. 17.—George Adam, mason—murder of Andrew Cunning-  
ham of Forresterhill and of John Wallace. Castlehill. P.
1581. June 2.—James Earl of Morton—comprising the murder of King  
Henry (Darnley) in the year 1568. Cross. P.
1587. Aug. 30.—Thomas Bonkle, cutler—murder of Peter Heriot in  
Leith. P.
- 1587-8. Jan. 23.—Archibald M'Brair—slaughter of Archibald Newell,  
Dumfries. Cross. P.
1591. Sept. 11.—William Gibson—murder of James Brown, Leith.  
T. A.
1592. Nov. 30.—John Colquhoun—murder of his brother, the Laird of  
Luss. Cross. Birrel.
- 1592-3. Feb. 12.—Captain John Gordon—for assisting the Earl of  
Huntly to murder the Earl of Murray at Donibristle. Cross.  
Birrel.
- Feb. 17.—David Graham of Fintry—Popish plot. Cross.  
Birrel.

1595. July 19.—James Innes, Laird of Invermarkie, and his man—partakers in the slaughter of the Earl of Murray and Patrick Dunbar in Donibristle. Birrel.
- Nov. 25.—John Glaidstanis, herald—murder of John Purdie, herald. Cross. Birrel.
1596. Aug. 7.—Gilbert Paddock, servant to the Master of Orkney—art and part of the murder of Harry Colville, persoun of Urquhart [Orphir]. Cross. P.
1597. April 11 —Patrick Cunninghame, servant to David Edmonstoune of Burnhouse—murder of George Prestoun of Halthrie. P.
- July 23.—Andrew Rewill, webster in Corstorphine—murder of his sone, “a barne of xij yeir auld.” Castlehill. P.
- 1598–9. Feb. 13.—Alexander Spens, weaver in Cruickston—murder of John Donald, weaver there. Castlehill. P.
1599. Mar. 28. George Rattray, servitour to the Laird of Craighall, and Thomas Lathreis, cherurgeon in Perth—slaughter of William Hay, younger of Gourdie. Cross. P.
1600. June 10.—Robert Auchmoutie, cherurgeane—slaughter (in duel) of James Wauchope, younger of Cleghorn. Cross. P.
- July 4.—Jean Livingstone—murder of her husband, John Kincaid of Warristoun. Girth Cross, Canongate. P.
1600. April 27.—James Wod—breaking into and stealing his father’s title-deeds from Bonytoun House. Cross. Birrel.
- Dec. 15.—William Cunninghame of Tourlands—slaughter and treason. Cross. Birrel.
- Dec. 26.—Andro Trumbill—murder of Thomas Ker in Jedburgh. P.
1602. Jan. 23. — Thomas Jak — slaughter of Alexander Moncur, “woundit him in the heid, and claif his harnepan with swordis, and thairby slew him.” Cross. P.
- July 4.—Patrick Stewart of Innervak—murder of Angus Dow M’Ewir, his servant. Cross. P.
1603. June 30.—Joseph Bonkle—slaughter of William Locke in Dunbar. Cross. P.
- July 14.—John Macgregor—slaughter of the Colquhouns. Castlehill. P.

1603. Sept. 23.—John Johnstone of Lochwood—slaughter, robbery, &c. Cross. Birrel.
1604. Jan. 12.—George Meldrum, younger of Dumbreck—treason and other crimes. Cross. Birrel.
1605. Mar. 15.—Alexander Chene—perjury, cruel oppression. Cross. P.  
June 18.—John Waterstone—slaughter of William Thomson. Castlehill. Birrel. MS.  
July 26.—William Roise of Dunskeith—murder of his wife, and other crimes. Cross. P.
1605. Jan.—Laurence Man, the boy (16 years of age) who slew James Young a player at cards and dice in the kirk. Castlehill. Birrel, and T. A.  
Dec. 19.—William Rutherford—slaughter of Thomas Bell. Castlehill. P.
1607. Nov. 6.—John Forbes, brother of William Forbes of Corsindae—murder of William Brown. Cross. P.
1608. Feb. 23.—William Keith younger of Auchquhirk—slaughter of Thomas Colstoun in Bruntisland. Cross. P.  
Mar. 18.—John Swan—murder of George Clarkeson, merchant, Dunbar. Cross. P.  
Aug 12.—James Hamilton of Spittelscheill—murder, stealing, and other crimes. Castlehill. P.
1609. Aug. 9.—Thomas Jardine of Birknock—murder. Cross. P.  
Nov. 22.—John Stewart, son of James Lord of Doun—murder. Cross. P.
- 1611.—Peter Weir—slaughter of John Hamilton—burgess of Edinburgh. Castlehill. P.  
July 17.—John Mure of Auchindrane and his son—murder of Sir Thomas Kennedy and William Dalrymple in Ayr. P.
1612. Mar. 13.—Alexander Frenche and James Wicht—murder. Castlehill. P.
1613. May 19.—John Weir and his brother—slaughter. Cross. P.  
May 21.—John Lord Maxwell of Caerlaverock—slaughter of the Laird of Johnstone. Life of King James VI. 381.  
Dec. 1.—Robert Erskine, tutor of Dun—murder, by poison, of his two nephews. Cross. P.



1614. June 27.—Isabell and Ann Erskine, daughters of John Erskine, younger of Dun—murder, by poison, of their two nephews. Cross. P.
1615. Feb. 1.—Patrick Earl of Orkney—treason. Cross. P.  
 Feb. 14.—John Maxwell—slaughter of John M'Culloch, merchant, Kirkcudbright. Cross. P.  
 Mar. 8.—James Orr—slaughter at Cramond. Cross. P.  
 May 30.—John Brand, student in the College, Edinburgh—slaughter of William King, the natural of James King, advocate. Cross. P.  
 June 10.—Alex. Davidson—murder of his son-in-law. Castlehill. P.
1616. Nov. 13.—Robert Robertson—slaughter. Castlehill. P.
1618. Mar. 18.—Robert Symmer younger of Balzordie—slaughter of the son of Grahame of Leuchland. Cross. P.  
 June 20.—James Stewart younger of Kilpatrick—slaughter. Castlehill. P.  
 Aug. 20.—Mr Thomas Ross (the minister) younger of Craigie—forging an infamous pasquil. Cross. P.
1619. Jan 29.—John Swyne—slaughter in Menstrie. Castlehill. P.  
 April 2.—John Maxwell of Garrarie and his son—murder of John M'Kie of Glassock. Cross. P.  
 Dec. 8.—John Moitt, Newbattle—murder of his wife. Castlehill. P.
1620. Jan 21.—John Duncan, baker, Duddingstone—slaughter of John Buchanan, baker, Canongate. Castlehill. P.  
 Feb. 25.—James Reoche—horse-stealing. Castlehill. P.  
 April 20.—Thomas Dempster of Muresk—forgery. Castlehill. P.  
 Nov. 17.—James Mure—slaughter of John Weir in Dalmahoy. Cross. P.  
 Dec. 1.—John Brown, tailor—slaughter in Crawfordtown. Cross. P.
1621. July 19.—Henry Baird, Mill of Meckard—slaughter. Castlehill. P.
1622. April 23.—John and Duncan Cameron—guilty of being at the battle of Glenfruin “aught year syne.” Castlehill. P.
1624. Jan. 5.—James Gilbraith in Lekkic—slaughter. Cross. P.  
 Nov. 19.—Jaffray Irving of Robgill—incest. Cross. P.

1628. Nov.—A man who slew his daughter. T.A.
1629. Aug. 19.—Henry Dick—incest and adultery. Cross. MS.  
 Sept. 30.—Alex. Blair, tailor in Currie—incest with "his first wife's half-brother's daughter." Cross. MS.
1631. Feb. 12.—Thomas Davidson, tailor—incest and murder. Cross. MS.  
 Mar. 31.—Marion Astein, Bruntisland—adultery. Castlehill. MS.
1632. Feb. 5.—Sir Michael Preston—slaughter. Cross. MS.
- 1633.—A woman heidet in the Castlehill. T.A.
1638. Dec. 28.—William Scott, younger of Heriotmuir—murder of his wife, 4 years ago. MS.
- 16... July 28.—John Stewart—leasmaking against the Earl of Argyle. Cross. MS.  
 July 31.—William Fraser, Fraserburgh—murder. Cross. MS.
1643. June 2.—Janet Embrie—incest with two brothers. Cross. MS.  
 July 24.—Sir John Gordon of Haddo and John Logie—treason. Cross. MS.
1646. May 28.—Margaret Thomson, wife of Robert Murray, minister at Balmaclelland—adultery. Castlehill. MS.
1649. May 21.—John Dick, weaver in Cambusbarron, and his wife—murder of the husband's brother, in their own house. Castlehill. MS.  
 March 22.—George, second Marquess of Huntley—treason. Cross. L.  
 Dec. 20.—James Wilson, coalgrieve at the Heugh of Bonhard—incest, committed about 35 years ago. Castlehill. MS.
- 16... April 27.—James Strang, in Clydesdale, and Janet Strang his brother german's daughter—incest. Castlehill. MS.  
 July 20.—Brymer, workman—incest. Castlehill. MS.  
 Dec. 30.—Grissel Hamilton—adultery and returning after having been banished. Cross. MS.
1650. March 5.—William M'Crie, trooper—rape. Cross. MS.  
 May 29.—Sir John Horrie and Capt. John Spotswoode, officers to the Marquess of Montrose—treason. Cross. Balfour.<sup>1</sup>

<sup>1</sup> [Montrose himself, as a greater mark of indignity, *was hanged* on "a high new gallows" at the Cross. Mr Napier, in his *Memoirs of Montrose*, vol. ii. p. 798, has printed the various items preserved in the Town Treasurer's Accounts, 13th May to 5th June 1650, connected with his execution.]



1650. June 4.—Sir William Hay of Dalgetty and Colonel William Sibbald—treason. Cross. Balfour.  
 June 21.—Capt. Alex. Charters, assisting Montrose—treason. Cross. N.
1661. May 27.—Archibald, first Marquess of Argyle—alleged treason. Cross. N.
1664. May 4.—Captain Swintowne—murder of his wife. Cross. L.
1674. June 14.—Archibald Beath, minister at Arran, and Donald Macgibbon, his servant—slaughter of Allan Gardiner, merchant in Irving. Cross. M.S. Fount.  
 Dec. 25.—Andrew Rutherford—murder of the brother of Douglas of Cavers. Cross. M.S. Fount.
1678. Sept. 27.—James Learmonth—murder. Grassmarket. Fount.  
 July 19.—James Gray—murder (in duel). Grassmarket. Fount.
1679. Nov. 12.—Christian Hamilton, wife of Andrew Nimmo—murder of Lord Forrester in Corstorphine. Cross. Fount.
1682. Aug. 4.—James Douglas—murder of his step-brother. Cross. Fount.
1685. June 30.—Archibald 9th, Earl of Argyle—treason. Cross. MS.
1694. Feb. 2.—Daniel Nicolson, writer, Edinburgh, and Marion Maxwell, relict of David Pringle, surgeon—adultery and forgery. The woman was beheaded and the man hanged. MS.
1697. March 1.—Sir Godfrey M'Culloch—slaughter of William Gordon. Cross. MS.

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*Note.*—The Roman letters at the end of the entries in the foregoing List refer to the authorities quoted as follows :—

P.—Pitcairn's Criminal Trials.

T.A.—City Treasurer's Accounts.

Birrel.—Robert Birrel's Diary (1532–1605), in Dalryell's Fragments. 1798.

MS.—Collection of Trials in the Library of the Society of Antiquaries.

Balfour.—Sir James Balfour's Annals.

N.—Diary of John Nicoll (1650–1667). (Bannatyne Club, 1836.)

L.—Diary of Mr John Lamont (1649–1671), 1830.

Fount.—Historical Notices of Scottish Affairs, from the MSS. of Sir John Lauder of Fountainhall. (Bannatyne Club.)





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